

REMARKS

Applicants submit this Reply in response to the final Office Action mailed November 14, 2007. Before this Reply, claims 1-13, 17, and 19-25 were pending, of which claims 1 and 23-25 were independent. In this response, Applicants have amended independent claims 1 and 23-25 and have rewritten claims 11 and 12 into independent form. Accordingly, after these amendments, claims 1-13, 17, and 19-25 remain pending, of which claims 1, 11, 12, and 23-25 are independent.

In the final Office Action, the Examiner objected to claims 11 and 12 as containing various informalities. In addition, the Examiner provisionally rejected claims 1 and 23-25 under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claim 1 in copending U.S. Patent Application Ser. No. 10/721,898 and claims 1, 2, and 4 of U.S. Patent No. 7,225,302. The Examiner further rejected claims 1-3, 5-10, 13, 17, 19, 20, and 23-25 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0233523 ("Jamil"). Finally, the Examiner rejected claims 4, 21, and 22 under 35 U.S.C. § 103(a) as being unpatentable over Jamil in view of U.S. Patent No. 5,522,077 ("Cuthbert"). Applicants respectfully traverse these pending objections and rejections for at least the reasons set forth below.

Double Patenting

Claims 1 and 23-25 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of co-pending U.S. Patent Application Serial No. 10/721,898 and claims 1, 2, and 4 of U.S. Patent No.

7,225,302. In response, Applicants submit the enclosed Terminal Disclaimer, thereby obviating the pending provisional double-patenting rejections.

Claim Objections

The Examiner objected to claim 11 because the claim term “the second data field” should be changed to “the fifth data field,” if it is referencing the claimed “second electronic data element.” See final Office Action dated November 21, 2007, p. 2. Applicants respectfully submit that because the claimed “second data field” recited in amended claim 11 does not refer to the claimed “second electronic data element,” and instead refers to the claimed “electronic data element,” the Examiner’s suggested wording change is not necessary. Accordingly, the pending objection of claim 11 should be removed.

The Examiner objected to claim 12 because the claim term “the third data field” lacks sufficient antecedent basis. See *id.* In this response, Applicants have amended claim 12 to remove the phrase “the third data field” that formed the basis of this objection. For at least this reason, Applicants submit that this claim objection also should be withdrawn.

The Examiner further objected to claim 12 because the claimed “identifier value” is unclear regarding which recited data field stores the claimed “identifier value.” See *id.* Applicants have amended claim 12 to recite, among other things, “changing . . . data stored in the first data field from data representing the default identifier to data representing an identifier value other than the default identifier.” As a result, Applicants’ amended claim 12 indicates that the claimed “identifier value” corresponds to “data stored in the first data field.” Accordingly, this claim objection should be removed.

Allowable Subject Matter

The Examiner indicated that claims 11 and 12 “would be allowable if rewritten to overcome the double patenting rejection(s) and objections, set forth in this Office Action and to include all of the limitations of the base claim and any intervening claims.” Final Office Action dated November 21, 2007, p. 13.

In this response, Applicants have rewritten allowable claims 11 and 12 into independent form, including all of the elements of their respective base claim and intervening claims, as suggested by the Examiner. Further, Applicants have overcome the pending double-patenting rejections and claim objections, for at least the reasons discussed above. Accordingly, Applicants submit that amended claims 11 and 12 are in condition for allowance.

35 U.S.C. § 102(e) Rejections

During prosecution of copending application 10/721,898, the Examiner conducted a telephone interview with Applicants’ undersigned representative on October 12, 2007, to discuss differences between Jamil and Applicants’ disclosure. In that interview, the Examiner suggested that the Applicants’ claimed “data object processing operations” were too general in their processing steps. More specifically, the Examiner believed that the claims needed to better distinguish their “replication” functionality from general data-object processing (reading, modifying, etc.). Applicants prepared proposed claim amendments to address the Examiner’s concerns. After considering these proposed claim amendments, the Examiner indicated that the proposed amendments would overcome the pending rejections over Jamil, and further indicated that an updated search would need to be conducted.

In the present response, Applicants have amended each of the independent claims 1 and 23-25 to incorporate the same subject matter contained in the proposed amendments that the Examiner considered in copending application 10/721,898 and indicated would distinguish Jamil. For instance, the present amendments remove the term “data object processing operations” and clarify the difference between the claimed “one or more data-object replication processes” and the claimed “software processes other than the one or more data-object replication processes.”

Accordingly, Applicants respectfully submit that independent claims 1 and 23-25, as presently amended, are allowable over the art of record. Dependent claims 2, 3, 5-10, 13, 17, 19, and 20 depend on allowable independent claim 1 and are therefore allowable for at least the same reasons.

35 U.S.C. § 103(a) Rejections

Dependent claims 4, 21, and 22 depend on allowable independent claim 1 and are therefore allowable for at least the same reasons.

Conclusion

The preceding remarks are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding remarks in favor of patentability are advanced without prejudice to other possible bases of patentability.

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing the pending claims in condition for allowance.

Applicants submit that the proposed claim amendments do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicants respectfully point out that the final action by the Examiner presented some new arguments as to the application of the art against Applicant's invention. It is respectfully submitted that the entering of the Amendment would allow the Applicants to reply to the final rejections and place the application in condition for allowance. Finally, Applicants submit that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.


Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

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Respectfully submitted,

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